

Honorable Judge Benjamin H. Settle

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

CLYDE RAY SPENCER, MATTHEW RAY
SPENCER, and KATHRYN E. TETZ,

Plaintiffs,

v.

FORMER DEPUTY PROSECUTING
ATTORNEY FOR CLARK COUNTY
JAMES M. PETERS, DETECTIVE
SHARON KRAUSE, SERGEANT
MICHAEL DAVIDSON, CLARK COUNTY
PROSECUTOR'S OFFICE, CLARK
COUNTY SHERIFF'S OFFICE, THE
COUNTY OF CLARK, SHIRLEY
SPENCER, and JOHN DOES ONE
THROUGH TEN,

Defendants.

NO. C11-5424-BHS

[PROPOSED] ORDER
GRANTING JAMES PETERS'
RENEWED MOTION FOR
SUMMARY JUDGMENT

NOTED FOR: FEBRUARY 8,
2013

THIS MATTER coming on duly and regulation for hearing on February 8, 2013, upon the renewed motion of defendant James Peters for an order on summary judgment. Defendant appearing by and through its attorneys Robert W. Ferguson, Attorney General, and Patricia C. Fetterly, Assistant Attorney General, and plaintiffs appearing by and through its attorneys Daniel Davies, Kathleen Zellner, and Douglas Johnson; the court having reviewed the files and records herein including the following:

1. Renewed Motion For Summary Judgment of Defendant James Peters;

2. Declaration of Patricia C. Fetterly with Exhibits A-J;
3. Declaration of Rebecca J. Roe with Exhibit A;
4. Supplemental Declaration of James M. Peters with Exhibits A-G;

and the court having being fully advised it is, now, therefore, Ordered Adjudged and Decreed, that defendant James Peters' renewed motion for summary judgment is granted and the claims contained in plaintiffs' complaint against defendant James Peters are dismissed with prejudice.

Done in open court this _____ day of February, 2013.

JUDGE

Presented by:

ROBERT W. FERGUSON
Attorney General

PATRICIA C. FETTERLY, WSBA #8425
Assistant Attorney General
Attorneys for Defendant State